

COMMISSIONERS APPROVAL

CHILCOTT *g*

LUND *BL*

THOMPSON *at*

TAYLOR (Clerk & Recorder)

Date.....March 23, 2005

Members Present.....Commissioner Greg Chilcott,
Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Glenda Wiles

The Board met to continue their discussion of the request by the City of Hamilton for county CTEP funds for a city project at the Republican Ditch. Commissioner Chilcott reviewed the minutes of March 2nd and discussion took place about the benefits of this bridge to the citizens and the future annexation of this area into the city. Commissioner Thompson indicated there are other communities within the valley that have some upcoming projects and they need to make sure the CTEP monies are shared with all locations through out the community.

The Board made a review of the previous project amounts and locations with Administrative Director Skip Rosenthal. Skip stated there is approximately \$197,000.00 in CTEP monies available.

Commissioner Thompson made a motion to dedicate a maximum of \$21,500.00 CTEP monies to the Republican Ditch project administered by the City of Hamilton. Commissioner Lund seconded the motion. Discussion of the motion then followed. It was agreed that the city will be the lead organization and administer this project. Commissioner Chilcott also suggested the county subtract this \$21,500.00 amount from the CTEP funding dedicated to the Fairgrounds project for the bike path/sidewalk. Commissioner Thompson amended his motion to state that the \$21,500.00 of funds expended for this ditch project will be deducted from the upcoming Fairground bike path/sidewalk project and the Republican Ditch project will be administered by the city. Commissioner Lund seconded the motion and all voted "aye". All voted "aye" on the original motion.

In other business the Board held a conference call with Charlene Sholey a safety and health specialist from the Montana Department of Labor and Industry. Present at this meeting was Bob Spralinger and Brian Jameson of Maintenance and Administrative Director Skip Rosenthal. Charlene then read from a list that she will also be sending to the county. The list included the following issues that need to be repaired.

Courthouse physical hazards:

- Unguarded floor holes on 4th floor in Penthouse
- Doors outside of emergency services need delineation for exit
- Eyewash station in boiler station blocked by cart which needs to be moved and a MSDS sheet needs to be hung up
- Bottles in custodial room at 1st floor needs labels
- Fire exit has some storage items that need to be removed
- Fire extinguishers need to be done monthly at each building
- Florescent bulbs need covers in
- Electrical panels need labels for each switch (one noted in data entry office)
- Bottle of liquid in elevator service needs label
- IS room needs a cover on electrical
- Coke and Vending machines in west corridor can not utilize extension cords
- Refrigerator in I.S. needs grounded

Health Depart/WIC

- No hazards noted

Detention Center

- Respirators (for any office there must be a written protocol on the use)
- Electrical panel in detention kitchen had some materials hanging on the panel that need to be removed
- Recommended a guard on the mixer in the kitchen
- Chairs in control room are in bad shape, fix or replace

Administration Building

- Blue extension cord in server room
- Fire door propped open on second floor (these should be closed)
- Extension cord in environmental health office
- Blue bottles in office supply room that needs labels
- Electrical panel blocked by table in planning
- Extension in planning
- No handle in s/w stairway up to fourth floor
- Stair 119" wide and needs a mid rail (entrance to Administrative Center)

Road Shop

- Power strip attached to wall in break room, can not utilize this (and in other areas of shop)
- Florescent bulbs needs covers
- Wiring in storage room utilizing extension cord need to hire electrician
- Extension cords in large break room
- Adjust the bench grinder
- Overhead cranes in shop need to have weight limit on crane and hoisting equipment

- Bottles in shop with no labels
- A list of the chemical need to be posted
- Circuit breaker box has missing covers and open, another breaker box needs to have more labels.

Airport

- Circuit breaker box needs labels
- Unmarked bottle of liquid in storage shop

Fairgrounds

- fire extinguishers checked on monthly basis
- facilities building had orange extension cord that needs to be removed
- exit sign in facilities building above the pink door
- In the shop the drill press has improper cord with wires sticking out
- Electrical junction box lying on the floor, needs to be on wall surface and can not have flexible cord coming out of it. It was disconnected and they indicated they would repair it.
- Outlet on west wall in shop
- Bench grinder needs to be adjusted
- Ceiling has extension cords permanently wired, grounded prong cut off and the light bulbs plugged into extension cords were not grounded. They need to have an electrical wire these properly
- Respirator use so same protocol
- Beef barn has extension cord that was wrapped around some beams, some knock out plugs missing (she advised the Fair to review this issue in the other buildings – they need to do self inspection)

Charlene advised Skip he should be keeping a 300 log (injuries suffered). She also stated that a hazard communication program needs to occur for all employees that utilize hazardous chemicals. She also stated the county should start a job hazard assessment for employees who wear safety goggles, ear plugs etc.

Bob asked about the coffee pots. Charlene stated she recommends when they buy new coffee pots, they should make sure the cords are grounded.

Charlene stated for a county this size with as many departments and locations that we have, we did well and she commended the maintenance employees for their diligence. She stated most items were minor, the most important being the wiring at the fair and road shops and the needed middle guardrail on the stairs at the Administrative Center. She advised the Commissioners they have thirty days to repair or correct the issues. However if they need an extension on some of the corrections needed they need to request the extension stating the reasons for the request.

Charlene thanked the maintenance staff for their cooperation and indicated she would send a formal report by mail.

In other business the Board held a working session for the Amendments to the Subdivision Regulations in regard to road standards. Present at this meeting was Road Supervisor David Ohnstad, Planning Director Patrick O'Herren and Planner Karen Hughes. Numerous citizens were present for this meeting.

The Board also met for a discussion and possible first reading of a Pawnbroker Ordinance during the evening hours. Present for this meeting was Under Sheriff Kevin McConnell. It was noted that Civil Counsel was not able to attend this meeting.

Under Sheriff McConnell stated the Detectives division have been seeing a 10% increase in theft and burglaries. The most reasonable course of action for the thieves is to pawn the items at pawn shops. Over the past year the Sheriff's Office has made 60 arrests that are directly related to the stolen items being pawned or sold to dealers. Under Sheriff McConnell stated the larger the communities become, the harder it becomes to keep up with the suspects. He also relayed that Ravalli County is a pipe line for Missoula, Salmon, Idaho, and other larger communities.

Under Sheriff McConnell indicated the Sheriff's Office believes a Pawn Ordinance will benefit the community and the pawn shop owners. They hope it gives them better control or access to the stolen property.

Will Neustrom stated he has been the owner of The Trading Post for the last 37 years. He asked how many stolen items the Sheriff's Office has recovered from the Trading Post. Under Sheriff McConnell stated Detective Scott Burlingham was to be present at this meeting but due to a death in the family he could not be present. Scott supposedly has those statistics.

Will stated they have only had two stolen items. He also relayed that the Hamilton Police Department came to their store and stated they are not in favor of this ordinance. Will stated they have a high regard to their opinion. Will stated the way this ordinance is written it would also include auctions, yard sales or anyone who deals with pre-owned or used items. He stated this ordinance would put them out of business because if someone traded a box of ammo, they would have to hold it for 60 days before they could sell it. Will stated he visited with a Pawn Shop Owner in Missoula. They have a similar ordinance there and the pawn broker stated it 'created a monster'.

Will stated he has three months of forms that has not been picked up by the law enforcement agency. If there was so much concern for the stolen items, why weren't the forms being picked up for review. He also relayed there is close to a dozen pawn shops and it would require at least 2-3 extra law enforcement personnel if the county wants to enforce the ordinance. Will stated his records are always available and feels their store contributes to crime prevention.

Under Sheriff McConnell asked Will what the appropriate waiting period should be. Will stated the way the ordinance is written, he would have to hold something for 60 days. He stated this holding period is for all property, not just pawned property. If the ordinance

addressed only pawned items, he might be in favor of the ordinance. He stated his books are open to all law enforcement officers and he is always receptive to receiving stolen property information and reviewing his records for those items. Will stated he and his store have always been one of the main contributors to law enforcement in Ravalli County.

Under Sheriff McConnell stated their intent is not to penalize the business owner but to help solve the crime and find the criminals.

Will stated he is in favor of some type of control and would welcome a round table discussion with all the pawn shops. He stated the problem with this ordinance as proposed is that it incorporates any second hand business. He felt all business owners should have a say in this and it should be acceptable to everyone.

Commissioner Thompson stated he was hoping the business owners would be present this evening in order to have this type of dialog. He stated he would like to see what comments they would specifically like in the ordinance.

Joseph Vai of Top Cat agrees with some of what Will stated. He agreed he is not in favor of the 60 day holding period. He stated he is a growing business and therefore needs to consider this 60 day turn around time. Joseph stated he is in favor of assisting law enforcement, but suggested they look at other city ordinances, address the issue of dealing with minors and utilize the state ticket and always have a picture identification of the seller. He also stated his doors are always open to the city officials and they bring a hot sheet of stolen items for him to review. He stated he has only had two incidents at his store which were civil issues, not any stole items. Joseph stated he also deals in new items. Joseph stated he likes the City of Hamilton Pawn Ordinance and suggested the county make a review of that ordinance. Joseph stated he knows Detective Burlingham and he is willing to assist him in any way. He stated he has invited him to his store but he has not come in at all. In regard to the stolen goods, he has never had any stolen items. Joseph felt the stolen items go to yard sales and out of state. He also stated he has a video camera in his store so people don't bring in stolen items. He relayed they should look at the auction houses etc. He suggested that law enforcement should either go full bore and involve everyone or leave it the way it is. He said they also need to come into the local businesses and see what they are doing. He felt if the store owners are doing what they are suppose to do, then law enforcement should be expending their resources on other important matters.

Joseph stated he trades coins and if the market is up he should be able to sell the property and not hold it for 60 days. He stated there are some good points to the ordinance, but keep it simple and there will be a greater response from the business owners. He stated the way the ordinance is written it takes control of his business. He asked what would happen if one of his employees forgets to label something. Would he be guilty of a misdemeanor? He stated they need to look at the wording of the ordinance as it seems abrasive.

Randall Walker of Frontier Second Hand and Pawn near Victor stated he has been in business for 10 months. Currently his business is 20% pawn. He deals in pawned items because it attracts customers, not thieves. He stated he reads the ordinance the same way Will and Joseph read it. He stated this ordinance affects second hand stores and auctions. He stated he does not sell firearms. He agreed this ordinance needs to be re-written and just addressing the pawned items. He also indicated he utilizes e-bay and asked how that would work for the items he purchases. He also runs yard sales and auctions, and asked if he would have to show proof that he bought something from someone who might not be in the valley in 60 days. He asked that the ordinance not expand past the pawned items.

Randall also stated that Detective Burlingham has been in his store but has never asked to see his tickets. He felt a hot sheet of stolen properties would be nice for the store owners, and the hot sheet could be faxed out on a weekly basis or daily if the law enforcement officer thought it important enough. He stated the hot sheet would give them the opportunity to help law enforcement. He stated he could not afford to tie up his money for 60 or 90 days.

Bill Neustrom reiterated that he did not think anything needs to be fixed. They have a good relationship with the police and never see anything that is stolen.

Commissioner Chilcott stated they would like to have a format that everyone understands and they do not want anything that is cumbersome. He also indicated that the Montana Code defines pawn shops pretty liberally, like a second hand store.

Joseph stated he visited with the City of Hamilton and their ordinance addresses the pawned items. Commissioner Chilcott stated the cities have broader powers than the county. Unfortunately the civil counsel for the Commissioners was not present, so they will address this issue with him at a later time.

Will agreed the hot sheet is helpful to their business. If they see something that does not look right, they actually take their license number of their car. He reiterated his store has a good reputation with the law enforcement community.

Under Sheriff McConnell agreed there needs to be good communication, but it is important to have something in place for those businesses that do not cooperate. He stated he will re-visit this issue with the Sheriff and the Detectives and indicated not everyone will be happy with the end product. But it is important to make the ordinance a workable solution to a problem.

Shawn of Top Cat Pawn stated it is hard for a brand new business to let the inventory ride for 60 days. If you have a store that has been in business it is easier to hold the inventory for 60 days. He indicated that precious metals are subject to the market prices and they need to sell them when the market is good.

Commissioner Thompson stated he is not prepared to accept the first reading of the ordinance. He stated he ran a business in Hamilton and traded items for other items. He stated this ordinance may be broader than what it needs to be. He stated he agrees the Commissioners need the input from the citizens and law enforcement officers. He stated he does not want to infringe too much on honest citizens being able to run their businesses. He also stated he has received quite a few calls on issues like this, but when they hold the public meeting or hearing, no one shows up. Commissioner Thompson encouraged those present to take a copy of the proposed ordinance and make the changes they would like to see in writing, returning the ordinance to their office.

Under Sheriff McConnell stated he does not know how the 60 day period came about, but it could have been taken from another county ordinance.

Shawn also stated he has concern over the amount of space they would need to have in order to keep the items until they could be sold.

Under Sheriff McConnell stated there are some businesses that do not cooperate with law enforcement and he appreciates the businesses that do cooperate. He stated they need to find some middle ground. The idea is to reduce crime and return the items to the rightful owner. He agreed they want to safeguard the good business owner, working to catch the thieves and require the other businesses to follow good rules.

Joseph expressed some concern over the confidentiality of their clients. He stated this is a small community and when a public official comes in at Christmas for a loan, then the copies of that loan are distributed to the officer, the person loses their anonymity.

There was some discussion of the use of a computer and hooking into other counties for their stolen items. Under Sheriff McConnell stated, some times the tracking of the data can become a cumbersome task.

Commissioner Lund stated she reviewed the ordinance. She suggested they remove the 3rd paragraph, remove the hours and leave the definition. She relayed that the use of a hot sheet is a good idea.

Commissioner Chilcott stated a data base would make the search for stolen properties much easier.

Joseph stated there are people that pawn consistently and he feels uncomfortable using his pawn tickets to profile people. Under Sheriff McConnell stated they are not trying to profile people's habits, but they do want to profile the items and the people for warrants. He also stated they have made some arrests from the pawned items just since they began to look into this issue.

Joseph asked if the county would have to hire more people if this ordinance was passed. Under Sheriff McConnell stated they have an administrative staff that handles these issues but he does not know if this ordinance would require additional staff.

Commissioner Lund suggested the business owners form a committee to work on this ordinance. It was agreed that the next working session will be held April 27th at 7:00 p.m. Under Sheriff McConnell asked the vendors to have their changes made on the proposed ordinance prior to the next meeting.